

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of:)	BOEE Case No. 19-179
)	Folder # 1038221
GRAHAM LATCHAW,)	
)	COMBINED STATEMENT OF
Respondent.)	CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

STATEMENT OF CHARGES

Count I

Respondent is charged with being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs, in violation of 282 Iowa Administrative Code rule 25.3(2)(a).

STIPULATIONS

1. Respondent holds a Class B LICENSE and Initial LICENSE (FOLDER # 1038221) with the following endorsements: PK-3 birth through grade three, inclusive setting; K-8 Reading, K-8 Instructional Strategist I: Mild/Moderate and K-6 Teacher Elementary Classroom. This license is current and will next expire on June 30, 2020.
2. During all material events of this case, Respondent was employed as a special education teacher with the Davenport School District.
3. On December 17, 2019, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.
4. On February 21, 2020, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph(s) 5 below.
5. Investigation revealed that Respondent smelled of marijuana while acting in his official capacity as a special education teacher. When confronted he refused a drug test and resigned.

SETTLEMENT AGREEMENT

6. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent accepts a THREE (3) MONTH SUSPENSION of his license. Respondent agrees he is not eligible to apply for any license or authorization issued by the Board during the period of this suspension.

LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

2 April 2020

Date

Graham Latchaw

Graham Latchaw, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Additionally, Respondent's license(s) is SUSPENDED for THREE (3) MONTHS. Additionally, Respondent is not eligible to apply for any other license or authorization issued by the Board during the period of this suspension.

3. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 17th day of APRIL, 2020.



Michael D. Cavin, Interim Executive Director
Iowa Board of Educational Examiners

Copies to:

Graham Latchaw
RESPONDENT

Jesse Ramirez
ATTORNEY FOR THE STATE